

### **REMARKS**

Initially, the Applicant points out that claim 5 has been amended to recite, *inter alia*, a “metallic resin rib including two longitudinal grooves on either side of the resin-base interface.” This amendment is clearly supported in the originally filed specification, especially at page 8, lines 17-19 (“The metallic resin is placed on the top surface in the form of ribs, two longitudinal grooves or reinforcements 31 and 32 being formed at the base-resin interface.”)

Claims 1-8, 15, 17 and 18 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over International Patent Application WO 01/37694 A1 (Binder) in view of U.S. Patent No. 6,842,950 (Fleuchaus). The Applicant respectfully disagrees.

Each independent claim recites a feature that is not disclosed in the cited references: “the sum of said left and right portion widths is larger than said width of said central strip region” (see claims 1, 12, 19 and 20)<sup>1</sup>. The Examiner has expressly stated that Binder does not teach this feature (Office Action at pp. 4, 8, 11, and 13). Nor can this feature be identified in Fleuchaus. The Examiner has offered the conclusory assertion that such a feature is obvious “since a change in the size of a prior art device is a design consideration within the skill of the art.” But the feature of the present invention is not merely a change of size of a prior art device -- it is a change in the ratio between two dimensions. If one were to change the scale of either the Binder or Fleuchaus overmoulds to increase the widths of the ledge regions, the resulting overmould would still not embody the claimed feature because the resulting overmould has the same proportions as prior art overmoulds.

The Examiner has also suggested that “[i]ncreasing the size of the left and right portion width promote a better bond between the fastener since the bonding area provided along the edges of the article is increased or the one row of fastener could be eliminated and the sum of the left and right portion widths is increased as a result

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<sup>1</sup> Although ¶ 5 of the Office Action states that “Claims 1-8, 15, 17 and 18 are rejected under 35 U.S.C. 103(a)...”, the Office Action Summary page indicates that claims 1-8 and 12-20 are rejected. Thus, the Applicant has assumed that all the independent claims, including claims 1, 12, 19 and 20, were rejected based on the cited references.

of this change.” But neither Binder nor Fleuchaus teaches the advantage of “a better bond” or eliminating one row of fasteners to get that advantage. Because neither the claimed feature nor the stated advantage are taught by the cited references, it is only through hindsight, having the benefits of Applicant’s invention in mind, that the claimed feature is regarded as obvious.

In addition, the Applicant submits with this Amendment evidence that rebuts the Examiner’s claim of obviousness. See, MPEP § 2145. Particularly, the enclosed Declaration of Applicant Fabrice Billarant is offered under 37 C.F.R. 1.132 and establishes:

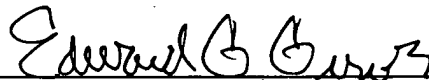
- Mr. Billarant has worked in the field of hook and loop fasteners for more than 15 years;
- Mr. Billarant conducted a test to compare the performance of an overmould embodying the invention as claimed (the “first overmould”) with a prior art overmould (the “second overmould”);
- In the first overmould, the sum of the left and right portion widths is larger than the width of the central strip region ( $6.2\text{ mm} > 6\text{ mm}$ );
- In the second overmould, the sum of the left and right portion widths is smaller than the width of the central strip region ( $3.0\text{ mm} < 6\text{ mm}$ );
- Foam was poured onto the overmoulds; and
- The first overmould performed better than the second overmould (no foam entered the cavity for the first overmould, but for the second overmould, foam entered the cavity and contaminated some of the hooks).

Thus, the Applicant’s evidence establishes the non-obviousness of the claimed invention. The claimed “article over which a moulding is to be made” yields unexpectedly improved properties not presented, or even suggested, by the prior art. Having established a nexus between the rebuttal evidence and the claimed invention, the Applicant’s evidence should be entitled to substantial weight. MPEP §2145.

In view of the foregoing amendments and remarks, the Applicant believes that claims 1-8 and 12-20 are in condition for allowance and the issuance of a formal Notice of Allowance is earnestly solicited.

If any issues remain after this Amendment, a telephone call to the undersigned would be appreciated.

Respectfully submitted,



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Edward G. Greive, Reg. No. 24,726  
Renner, Kenner, Greive, Bobak, Taylor & Weber  
Fourth Floor, First National Tower  
Akron, Ohio 44308-1456  
Telephone: (330) 376-1242

Attorney for Applicant

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